



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

Ex parte Jukka TUOMI

COMMUNICATION SYSTEM

Serial No. 10/761,584

Appeal No.:

Group Art Unit: 2141

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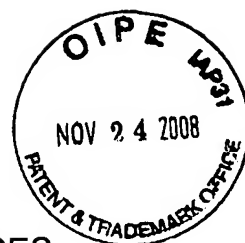
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Appeal Brief



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Appellant:

Jukka TUOMI

Appeal No.:

Serial Number: 10/761,584

Group Art Unit: 2141

Filed: January 22, 2004

Examiner: Brian J. Gillis

For: COMMUNICATION SYSTEM

BRIEF ON APPEAL

November 24, 2008

I. INTRODUCTION

This is an appeal from the final rejection set forth in an Official Action dated May 13, 2008, finally rejecting claims 1-3, 5-11 and 13-26, all of the claims pending in this application, as being unpatentable over McCanne. A Request for Reconsideration was timely filed on June 12, 2008. An Advisory Action was mailed on June 20, 2008, indicating that the Request for Reconsideration has been considered but did not place the application in condition for allowance. A Notice of Appeal and a Pre-Appeal Brief Request for Review were timely filed on August 13, 2008. A Notice of Panel Decision was mailed September 24, 2008, permitting the Appeal to continue. This Appeal Brief is being timely filed, with attached Petition for Extension of Time.

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II. REAL PARTY IN INTEREST

The real party in interest in this application is Nokia Corporation of Espoo, Finland. In particular, copies of an assignment from inventors to the assignee is recorded at reel/frame location: 014917/0983.

III. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no known related appeals and/or interferences which will directly effect or be directly effected by or have a bearing on the Board's decision in this appeal.

IV. STATUS OF CLAIMS

All of the pending claims 1-3, 5-11, and 13-26 in the present application are the subject of this appeal. Claims 4 and 12 were previously canceled and, therefore, are not included in this Appeal. Claims 1-3, 5, 11, 13, 14, 16-21, and 26 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,785,704 (McCanne). Claims 6, 7, 22, and 23 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2000/64104 (Roos). The Office Action further rejected claims 8-10, 15, 24, and 25 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2002/47415 (Westman). Each of the appealed claims stands or falls separately, and are being argued separately and identified under a separate heading, as required by 37 C.F.R. §41.37, as can be seen in Section VIII below.

V. STATUS OF AMENDMENTS

Claims 1-3, 5-11, and 13-26 stand as they were previously presented, prior to the Office Action. No amendments have been submitted or entered since that time. Thus, claims 1-3, 5-11, and 13-26 are pending, and their respective rejections are appealed. A response filed after the Office Action on June 12, 2008 ("the Response") did not contain any amendments and was entered by the Examiner.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1, from which claims 2-3 and 5-11 depend, recites an apparatus that includes an access controller connected to an access network and a domain, wherein the access network is configured to attach to user equipment. *See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21. This access controller is configured to control resolving of domain name information for both server addresses within this domain or accessible via this domain, and server addresses that are not within this domain or accessible via this domain. *See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5- page 7, line 21. Also, this access controller is configured to receive from this user equipment a query identifying a domain name, and in response to a determination that this user equipment is authorized and there is specified for this domain name a server address within this domain or accessible via this domain, domain name information for this domain name within this domain is resolved. *See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21. In response to a determination that the user equipment is not authorized and/or that there is no specified server address for this domain name within this domain or accessible via this domain, the domain name information for this domain name outside this domain is resolved. *See, for example*, access controller 16 in FIGS.

1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5- page 7, line 21.

Independent claim 13, from which claims 14-16 depend, relates to a system that includes user equipment (*see, for example*, terminal 10 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B) and an access network to which this user equipment is configured to attach. The system also includes an access controller (*See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5- page 7, line 21) configured to connect to this access network, and a domain (*See, for example*, domain 30 in FIGS. 3A-3B and page 11, line 20) to which this access controller is connected. In particular, the access controller is configured to control resolving of domain name information for both server addresses within this domain or accessible via this domain, and server addresses that are not within this domain or accessible via this domain. *See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21; and domain 30 in FIGS. 3A-3B and page 11, line 20. Also, this access controller is configured to receive from this user equipment a query identifying a domain name. *See, for example*, access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21; and domain 30 in FIGS. 3A-3B and page 11, line 20. In response to a determination that this user equipment is authorized and there is specified for this domain name a server address within this domain or

accessible via this domain, this access controller resolves domain name information for this domain name within this domain. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21; and domain 30 in FIGS. 3A-3B and page 11, line 20. Similarly, in response to a determination that this user equipment is not authorized and/or that there is no specified server address for this domain name within this domain or accessible via this domain, this access controller resolves the domain name information for this domain name outside this domain. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21; and domain 30 in FIGS. 3A-3B and page 11, line 20.

Independent claim 17, from which claims 19-26 depend, relates to a method that includes receiving, at an access controller connected to a domain and an access network from user equipment attached to this access network, a query identifying a domain name. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21. In response to a determination that this user equipment is authorized and there is specified for this domain name a server address within this domain or accessible via this domain, domain name information is resolved for this domain name within this domain. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page

7, line 21. Similarly, in response to a determination that this user equipment is not authorized and/or that there is no specified server address for this domain name within this domain or accessible via this domain, the domain name information is resolved for this domain name outside this domain. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21.

Independent claim 18 relates to an apparatus that includes a receiving means for receiving at an access controller connected to an access network and a domain from user equipment attached to this access network a query identifying a domain name. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21. The apparatus further includes a controlling means for, in response to a determination that this user equipment is authorized and there is specified for this domain name a server address within this domain or accessible via this domain, resolving domain name information for this domain name within this domain. *See, for example,* access controller 16 in FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21. The controlling means further, in response to a determination that this user equipment is not authorized and/or that there is no specified server address for this domain name within this domain or accessible via this domain, is for resolving domain name information for this domain name outside this domain. *See, for example,* access controller 16 in

FIGS. 1, 2A-2C, 3A-3B, 4A-4B, and the present application between page 5, line 5, to page 7, line 21.

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows: the rejection of claims 1-3, 5, 11, 13, 14, 16-21, and 26 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,785,704 (McCanne); the rejection of claims 6, 7, 22, and 23 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2000/64104 (Roos); and the rejection of claims 8-10, 15, 24, and 25 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2002/47415 (Westman).

VIII. APPELLANT'S ARGUMENTS

Appellant respectfully submit that each of the pending claims 1-3, 5-11, and 13-26 recites subject matter that is neither disclosed nor suggested by the cited art. Each of the claims is being argued separately, and thus each of the claims stands or falls alone.

A. The rejection of claims 1-3, 5, 11, 13, 14, 16-21, and 26 under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,785,704 (McCanne) is clearly in error and should be reversed.

1. Claim 1

Claim 1 is set forth in Appendix I, and briefly discussed at Section VI above. Appellant respectfully submits that McCanne fails to disclose or suggest all of the elements of claim 1. “A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference.’ *In re Paulsen*, 30 F.3d 1475, 1478-79 [31 USPQ2d 1671] (Fed. Cir. 1994); see *Karsten Manufacturing Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 [58 USPQ2d 1286] (Fed. Cir. 2001) (‘Invalidity on the ground of ‘anticipation’ requires lack of novelty of the invention as claimed... . that is, all of the elements and limitations of the claim must be shown in a single prior reference, arranged as in the claim.’).” *In re Buszard*, 84 USPQ2d 1749, 1750 (Fed. Cir. 2007). Because

McCanne fails to disclose all of the elements and limitations of the claim, it is respectfully submitted that the rejection is improper and it is respectfully requested that the rejection be withdrawn.

Appellant note that McCanne generally describes a technique for improving the efficiency of content distribution by configuring a DNS server such that it can map a name of a name-to-address translation request to a selected one of a plurality of addresses from which the desired content is available, wherein the selection is made on the basis of one or more factors such as configured policy, server load measurements and network path measurements.

As described below, Appellant note that McCanne contains no disclosure in the sections cited in the Office Action that are relevant to the recited embodiments.

McCanne does not teach or suggest resolving via a mobile operator access controller a DNS query from a UE attached to a third party access network, such as a wireless Internet service provider, even (i) when the UE is not authorized by the mobile operator or (ii) when there is no server address for the queried domain name, such as when the domain name that is the subject of the DNS query, within the mobile operator domain.

For example, the Office Action cited McCanne at col. 31, lines 10 to 23 as allegedly disclosing the recitation of resolving the domain name information for a domain name outside the (e.g. mobile operator) domain in the event that the UE is not authorized or there is no specified server address for the queried domain name

within the (e.g. mobile operator) domain. Appellant respectfully urges that, at best, the technical interpretation of this citation in Office Action appears to be technically and factually inaccurate because this section of McCanne does not disclose resolving a domain name within or outside a domain according to whether the client is authorized or not. For example, Appellant notes that this section of McCanne contains no disclosure related to indicating that the IP address that the APAR-DNS server returns if the client is not authorized is outside the domain that includes the IP address and port number that the APAR-DNS server returns in the event that the client is authorized, as recited in each of the independent claims.

This section of McCanne teaches only returning the same IP address (i.e., resolving the queried domain name within the same domain) regardless of whether the client is authorized or not, by specifying a different port number according to whether or not the client is authorized.

Referring to claim 1, Appellant respectfully urges that McCanne does not disclose the access controller provided in embodiments of the present application.

As described below, McCanne does not control resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network, as recited in claim 1. Furthermore, claim 1 recites that the access controller is configured to, in response to a determination that this user equipment is authorized and there is specified for this domain name a server address within

this domain or accessible via this domain, resolve domain name information for this domain name within this domain. Conversely, in response to a determination that the user equipment is not authorized and/or that there is no specified server address for this domain name within this domain or accessible via this domain, the access controller is configured to resolve the domain name information for this domain name outside this domain.

For example, as disclosed in the present application, the access controller 16 described at paragraphs [0032] to [0047] is configured to resolve domain names, whether or not the user equipment is authorized, and consequently, whether the specified server address for this domain name within this domain or, and also on the written information provided. See also, the access controller AC (16) in FIGS. 2b, 3a and 4a and the associated text.

For these and other reasons, McCanne does not disclose each and every of claim 1. Hence, this rejection under 35 U.S.C. §102(e) is legally and factually improper, and claim 1 is consequently allowable over McCanne. Accordingly, the rejection of claim 1 as being anticipated by McCanne cannot be supported by the record.

2. Claim 2

Claim 2 depends from and further limits claim 1. Accordingly, as with claim 1, claim 2 clearly recites subject matter that is neither disclosed nor suggested in

McCanne. Thus, for at least this reason, the rejection of claim 2 should be reversed.

3. Claim 3

Claim 3 depends from and further limits claim 1. Accordingly, as with claim 1, claim 3 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 3 should be reversed.

4. Claim 5

Claim 5 depends from and further limits claim 1. Accordingly, as with claim 1, claim 5 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 5 should be reversed.

5. Claim 11

Claim 11 depends from and further limits claim 1. Accordingly, as with claim 1, claim 11 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 11 should be reversed.

6. Claim 13

Independent claim 13 has its own scope. However, as recognized by the Office Action, claim 13 recites at least some of the above-identified features of claim 1. For example, claim 13 recites a system that includes an access controller for controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network. Accordingly, McCanne has further deficiencies with respect to independent claim 13. Thus, as with claim 1, claim 13 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 13 should be reversed.

7. Claim 14

Claim 14 depends from and further limits claim 13. Accordingly, as with claim 1, claim 14 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 14 should be reversed.

8. Claim 16

Claim 16 depends from and further limits claim 13. Accordingly, as with claim 13, claim 16 clearly recites subject matter that is neither disclosed nor

suggested in McCanne. Thus, for at least this reason, the rejection of claim 16 should be reversed.

8. Claim 17

Independent claim 17 has its own scope. However, as recognized by the Office Action, claim 17 recites at least some of the above-identified features of claim 1. For example, claim 17 also method that includes an access controller controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network. Accordingly, McCanne has further deficiencies with respect to independent claim 17. Thus, as with claims 1 and 13, claim 17 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 17 should be reversed.

9. Claim 18

Independent claim 18 has its own scope. However, as recognized by the Office Action, claim 18 recites at least some of the above-identified features of claims 1, 13, and 17. For example, claim 18 similarly recites an access controller means for controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server

addresses that are not within a network or accessible via a network. Accordingly, McCanne has further deficiencies with respect to independent claim 18. Thus, as with claims 1, 13, and 17, claim 18 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 18 should be reversed.

10. Claim 19

Claim 19 depends from and further limits claim 17. Accordingly, as with claim 17, claim 19 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 19 should be reversed.

11. Claim 20

Claim 20 depends from and further limits claim 17. Accordingly, as with claim 17, claim 20 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 20 should be reversed.

12. Claim 21

Claim 21 depends from and further limits claim 17. Accordingly, as with claim 17, claim 21 clearly recites subject matter that is neither disclosed nor

suggested in McCanne. Thus, for at least this reason, the rejection of claim 21 should be reversed.

13. Claim 26

Claim 26 depends from and further limits claim 17. Accordingly, as with claim 17, claim 26 clearly recites subject matter that is neither disclosed nor suggested in McCanne. Thus, for at least this reason, the rejection of claim 26 should be reversed.

B. The rejection of claims 6, 7, 22, and 23 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2000/64104 (Roos) is clearly in error and should be reversed.

1. Claim 6

Claim 6 depends from and further limits claim 1. At least some of the deficiencies of the combination of McCanne with respect to claim 1 are discussed above. Roos does not remedy the above-identified deficiencies of McCanne, and consequently the combination of McCanne and Roos fails to disclose or suggest all of the elements of any of the presently pending claims. As set forth in MPEP §2143, "To establish a *prima facie* case of obviousness, three basic criteria must

be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Because the combination of references fails to teach or suggest all the claim limitations, the rejection of claim 6 is not a proper *prima facie* rejection, and consequently should be reversed.

Roos relates to establishing a data connection with a mobile terminal in a digital mobile network, at which the mobile network is in connection with data processing resources in a local network. The establishing of the data connection includes allocation of a local network address to the mobile terminal, allocation of a unique network address to the mobile terminal, determination of a relation between the local network address and the unique network address, reception of a request for a data connection to the unique network address, establishing of a data connection to the unique network address, at which the set up is made depending on the relation between the local and the unique network address. Nevertheless, Roos cannot be interpreted as disclosing the controlling of a resolution of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network, as recited in claim 1.

Thus, Roos does not cure the above-described deficiencies of McCanne. Similar to McCanne, Roos does not disclose or suggest an access controller provided in embodiments of the present application. For example, as described above, Roos does not disclose controlling the resolving of domain name information for both server addresses within a network or accessible via the network and also server addresses that are not within a network or accessible via a network, as recited in claim 1.

Accordingly, it is unsurprising that Roos fails to disclose or suggest the above identified features of claim 1 with respect to which McCanne is deficient. Claim 6 depends from and further limits claim 1. Thus, the combination of McCanne and Roos fails to disclose or suggest all of the elements of claim 6, and the rejection of claim 6 should be withdrawn.

2. Claim 7

Claim 7 depends from and further limits claim 1. As described above in the discussion of claim 6, claim 1 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Roos. Accordingly, as with claim 6, claim 7 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Roos. Thus, for at least this reason, the rejection of claim 7 should be reversed.

3. Claim 22

Claim 22 depends from and further limits claim 17. As recognized by the Office Action, claim 17 recites at least some of the above-identified features of claim 1. For example, claim 17 also method that includes an access controller controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network. Accordingly, McCanne and Roos has further deficiencies with respect to independent claim 17, and thus, as with claim 1, claim 17 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Roos. Accordingly, as with claim 17, claim 22 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Roos. Thus, for at least this reason, the rejection of claim 22 should be reversed.

4. Claim 23

Claim 23 depends from and further limits claim 17. Accordingly, as with claim 22, claim 23 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Roos. Thus, for at least this reason, the rejection of claim 23 should be reversed.

C. The rejection of claims 8-10, 15, 24, and 25 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over McCanne in view of PCT Published Patent Application No. WO 2002/47415 (Westman) is clearly in error and should be reversed.

1. Claim 8

Claim 8 depends from and further limits claim 1. At least some of the deficiencies of the combination of McCanne with respect to claim 1 are discussed above. Westman does not remedy the above-identified deficiencies of McCanne, and consequently the combination of McCanne and Westman fails to disclose or suggest all of the elements of any of the presently pending claims. As set forth in MPEP §2143, "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." Because the combination of references fails to teach or suggest all the claim limitations, the rejection of claim 8 is not a *prima facie* rejection, and consequently should be reversed.

Westman relates to communications in which user equipment contains, or is

provided with, a list of items of service-related information. The list of service-related information represents a list of service provider names, services and/or service types. When intending to establish or modify a session or connection or use a service, the user equipment selects, in one of the embodiments, an item from the list and performs a DNS query to resolve the name of the selected item to an IP address which then is used for set-up. The list may be provided by a DHCP server or in a PDP context message. The list may include one or more service provider default names, in particular for visited and home networks. Nevertheless, in no way does Westman disclose controlling a resolution of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network, as recited in claim 1.

Referring to claim 1, Westman, therefore, does not disclose or suggest an access controller according to embodiments of the present application. For example, Westman does not disclose controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network, as recited in claim 1.

Accordingly, Westman fails to disclose or suggest the above identified features of claim 1 with respect to which the combination of McCanne is deficient. Claim 8 depends from and further limits claim 1. Thus, the combination of

McCanne and Westman fails to disclose or suggest all of the elements of claim 8, and the rejection of claim 8 should be withdrawn.

2. Claim 9

Claim 9 depends from and further limits claim 1. As described above in the discussion of claim 8, claim 1 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Westman. Accordingly, as with claim 8, claim 9 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Westman. Thus, for at least this reason, the rejection of claim 9 should be reversed.

3. Claim 10

Claim 10 depends from and further limits claim 1. As described above in the discussion of claim 8, claim 1 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Westman. Accordingly, as with claim 8, claim 10 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Westman. Thus, for at least this reason, the rejection of claim 10 should be reversed.

4. Claim 15

Claim 15 depends from and further limits claim 1. As described above in the discussion of claim 8, claim 1 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Westman. Accordingly, as with claim 8, claim 15 also clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Westman. Thus, for at least this reason, the rejection of claim 15 should be reversed.

5. Claim 24

Claim 24 depends from and further limits claim 17. As recognized by the Office Action, claim 17 recites at least some of the above-identified features of claim 1. For example, claim 17 also method that includes an access controller controlling the resolving of domain name information for both server addresses within a network or accessible via said network and also server addresses that are not within a network or accessible via a network. Accordingly, McCanne and Westman has further deficiencies with respect to independent claim 17, and thus, as with claim 1, claim 17 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Westman. Accordingly, as with claim 17, claim 24 clearly recites subject matter that is neither disclosed nor suggested in McCanne and/or Westman. Thus, for at least this reason, the rejection of claim 24 should be reversed.

6. Claim 25

Claim 25 depends from and further limits claim 17. Accordingly, as with claim 24, claim 25 clearly recites subject matter that is neither disclosed nor suggested in the combination of McCanne and Westman. Thus, for at least this reason, the rejection of claim 25 should be reversed.

IX. CONCLUSION


For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 1-3, 5-11 and 13-26 and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 1-3, 5-11 and 13-26.

In the event that this paper is not being timely filed, the Appellant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Encls: Appendix 1 - Claims on Appeal
Appendix 2 - Evidence
Appendix 3 - Related Proceedings

APPENDIX 1

CLAIMS ON APPEAL

1. (Previously Presented) An apparatus, comprising:

an access controller connected to an access network and a domain, wherein the access network is configured to attach to user equipment;

wherein said access controller is configured to control resolving of domain name information for both server addresses within said domain or accessible via said domain, and server addresses that are not within said domain or accessible via said domain; and

wherein said access controller is configured to:

receive from said user equipment a query identifying a domain name; and

in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via said domain resolve domain name information for said domain name within said domain; and

in response to a determination that the user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolve the domain name information for said domain name outside said domain.

2. (Previously Presented) An apparatus as claimed in claim 1, wherein said access network comprises one of:

an internet protocol based network independent of access method;

a wireless local area network ;

a digital subscriber line network;

an ethernet ;

a general packet radio service network;

a third generation wireless network; and

a wireless personal area network.

3. (Previously Presented) An apparatus as claimed in claim 1, wherein said domain is a mobile operator operated domain.

4. (Cancelled)

5. (Previously Presented) An apparatus as claimed in claim 1, comprising an authorization server function wherein said access controller is configured to determine if said user equipment is authorized by communication with said authorization server function.

6. (Previously Presented) An apparatus as claimed in claim 5, wherein said authorization server function comprises information defining a profile for said user equipment.

7. (Previously Presented) An apparatus as claimed in claim 5, wherein said authorization server function is configured to provide attributes to said access controller, said access controller configured to determine session parameters for said user equipment based on said attributes.

8. (Previously Presented) An apparatus as claimed in claim 1, wherein said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller.

9. (Previously Presented) An apparatus as claimed in claim 1, wherein said access controller is configured to provide an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server.

10. (Previously Presented) An apparatus as claimed in claim 8, wherein said query comprises a dynamic host configuration protocol query.

11. (Previously Presented) An apparatus as claimed in claim 1, wherein the access controller is configured to in response to a determination that said user equipment is not authorized resolve said domain name at a server of the access network.

12. (Cancelled)

13. (Previously Presented) A system, comprising :

user equipment;

an access network to which said user equipment is configured to attach ,

an access controller configured to connect to said access network; and

a domain to which said access controller is connected;

wherein said access controller is configured to control resolving of domain name information for both server addresses within said domain or accessible via said domain, and server addresses that are not within said domain or accessible via said domain; and

wherein said access controller is configured to:

receive from said user equipment a query identifying a domain name; and

in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or

accessible via said domain resolve domain name information for said domain name within said domain; and

in response to a determination that said user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolve the domain name information for said domain name outside said domain.

14. (Previously Presented) A system -as claimed in claim 13, wherein said access controller is configured to determine when said user equipment is authorized by communication with an authorization server function.

15. (Previously Presented) A system as claimed in claim 13, wherein said access controller is configured to provide an authorization function in the event that the query received from said user equipment identifies said access controller.

16. (Previously Presented) A system as claimed in claim 13, wherein said access controller is configured to in response to a determination that said user equipment is not authorized resolve domain name information for said domain name at a server of said access network.

17. (Previously Presented) A method, comprising:

receiving at an access controller connected to a domain and an access network from user equipment attached to said access network a query identifying a domain name; and

in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via said domain resolving domain name information for said domain name within said domain; and

in response to a determination that said user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolving the domain name information for said domain name outside said domain.

18. (Previously Presented) An apparatus, comprising:

receiving means for receiving at an access controller connected to an access network and a domain from user equipment attached to said access network a query identifying a domain name; and

controlling means for in response to a determination that said user equipment is authorized and there is specified for said domain name a server address within said domain or accessible via said domain resolving domain name information for said domain name within said domain; and in response to a

determination that said user equipment is not authorized and/or that there is no specified server address for said domain name within said domain or accessible via said domain resolving domain name information for said domain name outside said domain.

19. (Previously Presented) A method as claimed in claim 17, wherein said access network comprises one of:

an internet protocol based network independent of access method;

a wireless local area network;

a digital subscriber line network;

an ethernet;

a general packet radio service network;

a third generation wireless network; and

a wireless personal area network.

20. (Previously Presented) A method as claimed in claim 17, wherein said domain is a mobile operator operated domain.

21. (Previously Presented) A method as claimed in claim 17, comprising determining if said user equipment is authorized by communicating with an authorization server function.

22. (Previously Presented) A method as claimed in claim 21, wherein said authorization server function comprises information defining a profile for said user equipment.

23. (Previously Presented) A method as claimed in claim 21, wherein said authorization server function provides attributes to said access controller, and wherein the method further comprises determining session parameters for said user equipment based on said attributes.

24. (Previously Presented) A method as claimed in claim 17, further comprising providing an authorization function in the event that said query received from said user equipment identifies said access controller.

25. (Previously Presented) A method as claimed in claim 17, further comprising providing an authorization function in the event that said query received from said user equipment identifies said access controller as a primary domain name server.

26. (Previously Presented) A method as claimed in claim 17, comprising in response to a determination that said user equipment is not authorized, resolving domain name information for said domain name at a server of said access network.

APPENDIX 2

EVIDENCE APPENDIX

No evidence under section 37 C.F.R. 1.130, 1.131, or 1.132 has been entered or will be relied upon by Appellants in this appeal.

APPENDIX 3

RELATED PROCEEDINGS APPENDIX

No decisions of the Board or of any court have been identified under 37 C.F.R. §41.37(c)(1)(ii).